

RESOLUTION NO. 2023-12

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, DECLARING COUNCIL'S OPPOSITION TO THE UNITED STATES SUPREME COURT DECISION IN *DOBBS V. JACKSON WOMEN'S HEALTH ORGANIZATION*; OPPOSING ARIZONA REVISED STATUTE §§ 36-2321 THROUGH 2326 AND OTHER PROVISIONS OF ARIZONA LAW CRIMINALIZING ABORTION; AND SUPPORTING THE CONSTITUTIONAL RIGHTS OF PREGNANT PERSONS, INCLUDING THEIR ACCESS TO REPRODUCTIVE HEALTH CARE AND ABORTIONS.

RECITALS:

WHEREAS access to health care promotes the general welfare of Flagstaff residents; and

WHEREAS access to reproductive health care is critical to a pregnant person's physical, psychological, and socioeconomic well-being; and

WHEREAS the decision in *Dobbs v. Jackson Women's Health Organization* overrules *Roe v. Wade*, 410 U.S. 113 (1973); and

WHEREAS in the 55th Regular legislative Session in 2022 the Arizona Legislature adopted, and Governor Ducey signed, Senate Bill 1164, codified as A.R.S. §§ 36-2321 through 2326, which bans abortions after 15 weeks of gestation except in narrowly defined medical emergencies, and provides that physicians who violate the ban are guilty of a criminal offense and are subject to civil penalties; and

WHEREAS the decision in *Dobbs v. Jackson Women's Health Organization* allows Senate Bill 1164 and other state laws aimed at limiting or denying access to abortion care to go into effect, prompting the Center for Reproductive Rights to designate Arizona "hostile" to abortion care¹; and

WHEREAS, in our view as a matter of policy, the narrow medical emergency exception in Senate Bill 1164 does not adequately protect pregnant persons in instances of serious medical conditions that may not qualify as "medical emergencies";² and

WHEREAS the American College of Obstetricians and Gynecologists and other prominent medical organizations have determined that abortion bans will harm, rather than improve, patient health;³ and

WHEREAS abortion bans disproportionately impact rural areas and minority and lower-income pregnant persons, with generally 75% of those seeking abortion care living at or below 200% of the federal poverty level and the majority identifying as Black, Hispanic, Asian, or Pacific

¹ <https://reproductiverights.org/maps/state/arizona/>.

² *Id.* at <https://www.supremecourt.gov/DocketPDF/19/19-1392/193074/2021092017451804219-1392%20bsacACOGetal.pdf#page=37>.

³ *Dobbs v. Jackson Women's Health Organization*, Brief of amici curiae Am. Coll. of Obstetricians and Gynecologists, Am. Med. Ass'n., et al., [https://www.supremecourt.gov/DocketPDF/19/19-](https://www.supremecourt.gov/DocketPDF/19/19-1392/193074/2021092017451804219-1392%20bsacACOGetal.pdf#page=37)

Islander;⁴ and

WHEREAS forcing patients to continue pregnancy subjects them to complications and a risk of death that is 14 times higher than abortion;⁵ and

WHEREAS research shows that women denied a wanted abortion are less financially secure in subsequent years than those who received an abortion and being denied an abortion increases the chances that a woman's existing children live in poverty;⁶

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. The City Council supports the rights of pregnant persons in the City to obtain access to the full spectrum of reproductive health care, including abortion care.

SECTION 2. The City Council opposes, as a matter of policy, the decision in *Dobbs v. Jackson Women's Health Organization*.

SECTION 3. The City Council opposes, as a matter of policy, Senate Bill 1164, enacted as A.R.S. §§ 36-2321 through 2326, and other Arizona laws aimed at limiting or denying access to abortion care, including A.R.S. §§ 13-3603 through 3605 and A.R.S. § 36-2159, which will harm the autonomy and well-being of pregnant persons.

SECTION 4. The City Council calls on the Arizona legislature to repeal A.R.S. §§ 36-2321 through 2326 and all other Arizona laws aimed at limiting or denying access to abortion care, and to enact laws that protect full access to reproductive health care, including abortion.

SECTION 5. The City Council supports the Flagstaff Police Department in establishing law enforcement priorities that consider the need to protect the physical, psychological, and socioeconomic wellbeing of pregnant persons and their care providers.

SECTION 6. The City Council supports the Flagstaff Police Department in establishing policies that require a report of an alleged violation of A.R.S. §§ 36-2321 through 2326, that is reported to have taken place at a medical facility, be referred to the Arizona Department of Health Services for investigation and that no physical arrest be made by the Flagstaff Police Department.

SECTION 7d. Effective Date.

This resolution shall be immediately effective upon adoption.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 7th day of March, 2023.

⁴ *Id.* at https://www.supremecourt.gov/DocketPDF/19/19-1392/193074/20210920174518042_19-1392%20bsacACOGetal.pdf#page=39.

⁵ *Id.* at https://www.supremecourt.gov/DocketPDF/19/19-1392/193074/20210920174518042_19-1392%20bsacACOGetal.pdf#page=40.

⁶ *Dobbs v. Jackson Women's Health Organization*, Brief of amici curiae Social Science Experts, https://www.supremecourt.gov/DocketPDF/19/19-1392/192992/20210920145519814_19-1392Amicus%20Brief.pdf#page=51.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY